

REMARKS

The present Amendment amends claims 1, 5, 7, 9, 11 and 29 and cancels claims 2-4, 6, 8, 10 and 12-28. Therefore, the present application has pending claims 1, 5, 7, 9, 11 and 29.

Claims 3-10 and 29 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. As indicated above, claims 3, 4, 6, 8 and 10 were canceled. Therefore, this rejection with respect to claims 3, 4, 6, 8 and 10 is rendered moot. Amendments were made to the remaining claims 5, 7 and 9 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection with respect to claims 5, 7 and 9 is overcome and should be withdrawn.

Specifically, amendments were made to claims 5, 7 and 9 to overcome the objections noted by the Examiner in paragraphs 2-4 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matters be discovered so that appropriate amendments may be made.

In paragraph 8 of the Office Action the Examiner rejected claims 11-28 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 2 and 5-17 of the prior patent No. 6,041,038. As indicated above, claims 11-28 were canceled. In fact, claims 11-28 were canceled by the February 14, 2000 Preliminary Amendment, a copy of which is attached for

the Examiner's reference. Therefore, this rejection is inappropriate and as such is moot. Withdrawal of this rejection is respectfully requested.

Claims 1-4 and 11 stand rejected under 35 USC §103(a) as being unpatentable over Katsube (U.S. Patent No. 5,267,232). As indicated above, claims 2-4 were canceled. Therefore, this rejection with respect to claims 2-4 is rendered moot. This rejection with respect to the remaining claims 1 and 11 is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 1 and 11 are not taught or suggested by Katsube whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to claims 1, 5, 7, 9, 11 and 29 so as to more clearly describe features of the present invention. Particularly, amendments were made to each of these claims to more clearly recite that the present invention is directed to a packet transfer control method, a packet switching device and a packet processing device wherein a terminal device sends a packet including a traffic class indicative of a packet transfer priority and information indicative of a priority related to packet discarding to a packet switching device. The packet switching device stores the information indicative of a priority related to packet discarding and performs selective discard processing on packets belonging to the particular traffic class in conformity with a predetermined discard condition determined by the priority based on the information indicative of a priority related to packet discarding.

Thus, the present invention provides apparatus in which the terminal device can indicate to the packet switching device a traffic class which indicates the priority of transfer of packets from the terminal device and a traffic subclass indicating priority related to packet discarding of packets being sent from the packet switching device. Therefore, according to the present invention the packet switching device can extract the packet transfer priority and the packet discarding priority from the packet being sent by the terminal device and use the packet discarding priority information so as to selectively discard packets being sent independent of its traffic class. According to the present invention even if packets having the same traffic class according to the packet transfer priority exist, such packets can still be discarded independent of the traffic class based on the packet discarding priority. The Examiner's attention is directed to the discussion of these features of the present invention on page 11, lines 4-7.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Katsube.

Katsube teaches the use of a cell loss priority level. As taught by Katsube, the cell loss priority (CLP) is provided in each cell as illustrated, for example, in Fig. 1. As taught by Katsube the terminal can specify CLP for each cell. Thus, as per Katsube one virtual channel cells of CLP 0 and CLP 1 can be transmitted. In Katsube, the terminal declares the traffic characteristic according to whether the

connection setup request is admitted or rejected in accordance with the Declaration as illustrated in Fig. 6 of Katsube. Thus, Katsube illustrates the cell handling methods when the terminal violates the Declaration as per Figs. 11a-12c.

As is clear from the above, the teachings in Katsube that the terminal is able to define the CLP for each packet is not equivalent to the features of the present invention as now more clearly recited in the claims wherein the terminal is allowed to indicate the packet transfer priority and the packet discarding priority in each packet. There is no teaching in Katsube of these features now more clearly recited in the claims.

Therefore, Katsube fails to teach or suggest sending a packet including a traffic class indicative of a packet transfer priority and information indicative of a priority related to packet discarding and storing the information indicative of a priority related to packet discarding as recited in the claims.

Further, Katsube fails to teach or suggest performing selective packet discarding on packets belonging to the particular traffic class in conformity the predetermined discard condition determined by the priority based on the information indicative of a priority related to packet discarding as recited in the claims.

Thus, Katsube does not teach or suggest the features of the present invention now more clearly recited in the claims. Therefore, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 1 and 11 as being unpatentable over Katsube is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1 and 11.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 5, 7, 9, 11 and 29 are in condition for allowance. Accordingly, early allowance of claims 1, 5, 7, 9, 11 and 29 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.35180CX1).

Respectfully submitted,

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